

Message

---

**From:** Moscato, John (ENRD) [John.Moscato@usdoj.gov]  
**Sent:** 2/1/2017 5:36:47 PM  
**To:** Sisk, Richard [Sisk.Richard@epa.gov]  
**CC:** Naftz, Douglas [Naftz.Douglas@epa.gov]  
**Subject:** RE: Bonita Peak: ATP Question

*Attorney Client / Work Product Privilege - Do Not Produce*

**Ex. 5 AC/AWP**

Best Wishes,

John N. Moscato  
Senior Counsel  
Environment and Natural Resources Division,  
Environmental Enforcement Section  
United States Department of Justice  
999 18th Street, South Terrace - Suite 370  
Denver, CO 80202  
Email: [john.moscato@usdoj.gov](mailto:john.moscato@usdoj.gov)  
Telephone: (303) 844-1380  
Facsimile: (303) 844-1350

**CONFIDENTIALITY NOTICE:** *This e-mail, including all attachments, is for the sole use of the intended recipients. Any unauthorized use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of this message.*

**From:** Sisk, Richard [mailto:Sisk.Richard@epa.gov]  
**Sent:** Tuesday, January 31, 2017 5:00 PM  
**To:** Moscato, John (ENRD) <JMoscato@ENRD.USDOJ.GOV>  
**Subject:** FW: Bonita Peak: ATP Question

# Ex. 5 AC/AWP/DP

Thanks

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: [sisk.richard@epa.gov](mailto:sisk.richard@epa.gov)

NOTICE: The information contained in this e-mail is intended only for the use of the recipient(s) named above. This message and any attachments may contain confidential or privileged information. If the reader is not the intended recipient or an agent responsible for delivering it to the intended recipient, you have received this document in error and any review, dissemination, disclosure, distribution, use, or copying of the contents of this message is strictly prohibited. If you have received this communication in error, please notify me immediately by e-mail or telephone and destroy all copies of the original message and any attachments.

**From:** Darren Morris [mailto:[dmorris@toeroek.com](mailto:dmorris@toeroek.com)]  
**Sent:** Tuesday, January 31, 2017 11:55 AM  
**To:** Rudy, Michael <[Rudy.Mike@epa.gov](mailto:Rudy.Mike@epa.gov)>; Sisk, Richard <[Sisk.Richard@epa.gov](mailto:Sisk.Richard@epa.gov)>  
**Cc:** McCaffrey, Shawn <[Mccaffrey.Shawn@epa.gov](mailto:Mccaffrey.Shawn@epa.gov)>  
**Subject:** FW: Bonita Peak: ATP Question

Mike and Richard:

Below is Suzanne's response to Richard's question regarding

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

Please let me know if you need us to clarify anything further. Best, Darren.

\*\*\*

# **Ex. 5 AC/AWP/DP**

Thanks,  
Suzanne

Suzanne Pyatt  
Toeroek Associates, Inc.  
Office: 510.899.4611  
Mobile: 415.205.5011